

UNITED STATES DISTRICT COURT

for the

District of Rhode Island

MICHAEL VIEIRA

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

RHODE ISLAND OFFICE OF CHILD SUPPORT

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No. _____

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☐ Yes ☐ No

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address

MICHAEL VIEIRA718 CENTRAL AVEJOHNSON ~~RHODE ISLAND~~RHODE ISLAND 02919401-492-9950MIKE VIEIRA1@GMAIL.COM

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

Defendant No. 1

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

RHODE ISLAND OFFICE OF
CHILD SUPPORT SERVICES
77 DORRANCE ST
PROVIDENCE
RHODE ISLAND 02903
401-458-4400

Defendant No. 2

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

WALTER CRADDOCK
ADMINISTRATOR, DMV
600 NEW LONDON AVE
CRAWSTON
RHODE ISLAND 02920

Defendant No. 3

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

FRANK J. DI BIASE ESQ.
ASSOCIATE DIRECTOR, REVENUE SERVICES
77 DORRANCE ST.
PROVIDENCE
RHODE ISLAND 02903
401-458-4400

Defendant No. 4

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☐

Federal question

☐

Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* _____, is a citizen of the
State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated
under the laws of the State of *(name)* _____,
and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* _____, is a citizen of
the State of *(name)* _____. Or is a citizen of
(foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

THE STATE OF RHODE ISLAND OFFICE OF CHILD SUPPORT SERVICES HAS AND CONTINUES TO DEPRIVE ITS CITIZENS OF LIFE, LIBERTY, OR PROPERTY WITHOUT DUE PROCESS OF LAW

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

REPORTING TO THE CREDIT AGENCIES
BANK LIENS
LICENSE SUSPENSION

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

11/25/24

Signature of Plaintiff



Printed Name of Plaintiff

MICHAEL VIEIRA**B. For Attorneys**

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Street Address _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

Michael Vieira, Plaintiff

V.

The Rhode Island Office of Child Support Services (OCSS), Defendant

CIVIL ACTION NO.:

COMPLAINT

I. INTRODUCTION

This is a civil action filed by Michael Vieira, Plaintiff, seeking relief for violations of his rights under the Fourteenth Amendment to the United States Constitution and Article 1, Section 2 of the Rhode Island Constitution, which prohibit any state or governmental agency from depriving any person of life, liberty, or property without due process of law.

Plaintiff asserts that actions taken by the Rhode Island Office of Child Support Services (OCSS) unlawfully deprived him of his constitutional rights by issuing a notice of suspension of his driver's license and vehicle registrations without a hearing, trial, or judgment, and without the existence of a signed court order.

II. JURISDICTION AND VENUE

This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 as it arises under the Constitution and laws of the United States.

Venue is proper in this district under 28 U.S.C. § 1391 because the events giving rise to this claim occurred in the District of Rhode Island.

III. PARTIES

Plaintiff Michael Vieira is a resident of Rhode Island.

Defendant Rhode Island Office of Child Support Services (OCSS) is a state agency responsible for administering child support enforcement and related services in Rhode Island.

IV. STATEMENT OF FACTS

On November 20, 2024, Plaintiff received a letter from OCSS stating that an order had been issued to suspend his driver's license and all vehicle registrations effective December 30, 2024, at 11:59 PM.

Upon receiving this notification, Plaintiff sought to obtain a copy of the alleged order from both OCSS and the Rhode Island Family Court.

Plaintiff was informed by OCSS and the Family Court that no such order existed. Neither OCSS nor the Family Court could provide any documentation of a hearing, trial, or judgment occurring on November 20, 2024, or at any other time regarding this matter.

Plaintiff has not been afforded any opportunity to defend himself in court, nor has he received proper notice or been subject to a judicial determination in this matter.

Under the Fourteenth Amendment to the U.S. Constitution and Article 1, Section 2 of the Rhode Island Constitution, Plaintiff is entitled to due process of law before being deprived of life, liberty, or property.

The suspension of Plaintiff's driver's license and vehicle registrations constitutes a deprivation of liberty and property. Such actions cannot lawfully be taken without proper judicial proceedings and a signed court order.

The authority to issue orders that deprive individuals of their rights rests exclusively with the judiciary, as established by the legal and constitutional requirements for due process.

Judges are required to meet specific qualifications under Rhode Island law, including appointment and confirmation. No employee or representative of OCSS possesses the qualifications or authority to act in a judicial capacity or issue orders that deprive individuals of constitutional rights.

V. CAUSES OF ACTION

COUNT I: VIOLATION OF THE FOURTEENTH AMENDMENT (42 U.S.C. § 1983)

Plaintiff incorporates by reference all preceding paragraphs.

Defendant OCSS acted under color of state law in depriving Plaintiff of his constitutional rights by suspending his driver's license and vehicle registrations without due process of law.

Defendant's actions violate the Fourteenth Amendment to the United States Constitution, which prohibits the deprivation of life, liberty, or property without due process of law.

COUNT II: VIOLATION OF ARTICLE 1, SECTION 2 OF THE RHODE ISLAND CONSTITUTION

Plaintiff incorporates by reference all preceding paragraphs.

Defendant OCSS's actions further violate Article 1, Section 2 of the Rhode Island Constitution, which guarantees that no person shall be deprived of life, liberty, or property without due process of law.

VI. RELIEF REQUESTED

WHEREFORE, Plaintiff respectfully requests that this Honorable Court:

1. Declare that Defendant OCSS's actions violated Plaintiff's constitutional rights under the Fourteenth Amendment to the U.S. Constitution and Article 1, Section 2 of the Rhode Island Constitution.
2. Enjoin Defendant from enforcing the suspension of Plaintiff's driver's license and vehicle registrations without a valid court order issued by a qualified judge.
3. Order Defendant to cease and desist from issuing notices of suspension or other actions that deprive individuals of liberty or property without proper judicial proceedings.
4. Waive the \$405 filing fee for this action due to Plaintiff's financial hardship.
5. Appoint a court-appointed attorney to assist Plaintiff with procedural matters and ensure fairness in the proceedings.
6. Impose a fine of \$1,000,000 against Defendant as a punitive measure to deter similar violations of constitutional rights in the future.
7. Award Plaintiff compensatory and punitive damages as deemed just and proper.
8. Grant such other relief as the Court deems necessary and appropriate.

VII. DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all issues so triable.

Respectfully submitted,


Michael Vieira, Pro Se

718 Central Avenue

Johnston, RI 02919

401-492-9950

mikevieira1@gmail.com

Dated: November 25, 2024